IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE NINETY DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 471 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18.08.2004 in WP NO : 6649 OF 2003 on the file of the High Court.)

Between:

The Depot Manager,

APSRTC, Torur Dept., Warangal District.

..... APPELLANT

AND

1 Godumala Somanna @ Somaiah, S/o. Boyanna,
R/o. Torrur Village & Mandal of Warangal District.
2 The Industrial Tribunal-cum-Labour Court,

Warangal, Warangal District
R-2 is not necessary to this Appeal.

.....RESPONDENTS

Counsel for the Appellant: Ms. P.RAJANI

Counsel for Respondent No.1: MR.V.VENKATESWARLU

Counsel for Respondent No.2: None appeared.

The Court at the stage of admission made the following

JUDGMENT: (Per the Hon'ble Smt. Justice T. Meena Kumari)

Assailing the Order of dismissal, dated 18.08.2004, in W.P.No.6649 of 2003 passed by the learned Single Judge, the appellant filed this appeal.

The first respondent was appointed as a driver Grade II in the appellant-Corporation on 02.11.1996. While discharging the duties as such, he was removed from service on 28.09.1998, without conducting any enquiry, on the allegation that the driving licence obtained by him from the RTO, Bilaspur was not a genuine one. Aggrieved by the same, the first respondent preferred I.D.No.60 of 1999 before the Industrial Tribunal-cum-Labour Court, Warangal (for short 'the Tribunal'). Having regard to the material placed before it, the Tribunal, through its Award, dated 10.04.2002, directed the appellant to verify the genuineness or otherwise of the driving licence produced by the first respondent, within a period of two months and that if the same is found to be genuine, the first respondent is entitled to the reinstatement as a fresh driver on daily wage basis. Questioning the said Award, the appellant filed the writ petition. The learned Single Judge, having gone through the Award and other relevant documents, held that since the first respondent obtained fresh driving licence from the Additional Licencing Authority, Ranga Reddy in 1995 and the same was being renewed from time to time even before his services were terminated, the Tribunal is right in directing the appellant to verify the

genuineness or otherwise of the licence produced by the first respondent and accordingly dismissed the writ petition. Dissatisfied with the same, the appellant filed the present appeal.

The learned counsel for the appellant submits that the learned Single Judge ought to have appreciated the fact that as per the Engagement Order Condition No.5, if the Certificate produced by the first respondent is found to be not genuine, his services can be terminated without giving any notice.

From a perusal of the material available on record, it is clear that the first respondent was appointed as the driver Grade II in appellant-Corporation and his services were regularized. Subsequently, he was removed from service on 28.09.1998, on the allegation that the driving licence obtained by him from the RTO, Bilaspur was not a genuine one. However, the first respondent produced a fresh driving licence obtained from the Additional Licencing Authority, Ranga Reddy District before the Tribunal. In view of the same, the Tribunal directed the appellant to verify the genuineness or otherwise of the driving licence produced by the first respondent within a period of two months and if the said driving licence is found to be genuine, it ordered reinstatement of the first respondent as a fresh driver on daily wage basis. The learned Single Judge affirmed the Award passed by the Tribunal.

Admittedly, the first respondent obtained a fresh driving licence from the Additional Licencing Authority, Ranga Reddy in 1995 and was being renewed from time to time even before his services were terminated The first respondent worked more than two and half years. Hence, in our considered view, the Award passed by the Tribunal directing the appellant to get the driving licence verified, is just. No exception can be taken to the same. In view of the same, we find no illegality or irregularity in the order under appeal.

The writ appeal is accordingly dismissed at the admission stage.

(T. Meena Kumari.J)

(P. Lakshmana Reddy.J)

ksld

Dt.09.06.2005

To

1 The Depot Manager,

APSRTC, Torrur Dept., Warangal District.

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